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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,019	11/12/2003	Glenn N. Chambers	CHAMBERS #2	6202

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EXAMINER

HAYES, BRET C

ART UNIT PAPER NUMBER

3644

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,019

Applicant(s)

CHAMBERS, GLENN N.

Examiner

Bret C Hayes

Art Unit

3644



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/12/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 7, lines 12, 14 and 25, “strips” should be --strip-- as there is only one “60” shown in the drawings and disclosed up to that point. Alternatively, examiner suggests including --62, 64 and 66-- with the initial reference to the “strips 60” at line 12.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5 – 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,834,079 to Benckhuijsen ('079).

4. Re – claim 1, '079 discloses the invention substantially as claimed including a leg wrap 30 for wrapping the leg of an animal, the leg wrap 30 comprising, in combination: an inner wrapping sheet 32 of flexible material of generally rectangular configuration having an inner wrapping sheet top edge, an inner wrapping sheet bottom edge, and spaced first and second inner wrapping sheet side edges extending between the inner wrapping sheet top edge and the inner wrapping sheet bottom edge; an outer wrapping sheet 31 of flexible material of generally

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rectangular configuration having an outer wrapping sheet top edge, an outer wrapping sheet bottom edge, and spaced first and second outer wrapping sheet side edges extending between the outer wrapping sheet top edge and the outer wrapping sheet bottom edge, the inner and outer wrapping sheets being in registry over substantial portions thereof with the respective top and bottom edges thereof in substantial registry; soft, resilient filler material, such as 13, disposed between the inner wrapping sheet and the outer wrapping sheet; welding, such as 26, extending through the inner and outer wrapping sheets and the filler material securing the inner and outer wrapping sheets and the filler material together, the welding including spaced, substantially parallel lines of welding located between the top edges and the bottom edges of the inner and outer wrapping sheets and extending substantially perpendicular thereto to define a plurality of substantially rectangular pillows 41, 42 separated by the lines of welding 26, the substantially rectangular pillows 41, 42 being elongated and having primary axes, and the primary axes disposed perpendicular to the top edges and the bottom edges of the inner and outer wrapping sheets; and securement means 43, 47 for securing the leg wrap about the leg of an animal with the plurality of pillows 41, 42 surrounding the leg and the primary axes of the plurality of pillows 41, 42 oriented with the primary axis of the leg and at least some of the plurality of pillows 41, 42 in overlapping condition, best seen in Fig. 11, for example. However, '079 does not disclose stitching. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '079 to include stitching instead of welding, since the equivalence of stitching and welding for their use in the fastening art and the selection of any known equivalents to welding would be within the level of ordinary skill in the art.

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5. Re – claim 2, '079 discloses the invention substantially as claimed further wherein the securement means **43, 47** comprises at least two securement strips of releasably securable fastener material affixed to at least one of the wrapping sheets, the securement strips **43, 47** being spaced from one another.

6. Re – claim 5, '079 discloses the invention substantially as claimed except for the soft, resilient material comprising batting. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the wads disclosed by '079 with batting, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

7. Re – claim 6, '079 discloses the invention substantially as claimed further including at least four substantially rectangular pillows being defined and separated by lines of welding.

8. Re – claim 7, '079 discloses the invention substantially as claimed further including the securement means **43, 47** comprises first and second pairs of securement strips of releasably securable fastener material, the securement strips of each pair of securement strips being in engagement when the leg wrap is secured about the leg of an animal, the securement strips of each pair of securement strips being located at predetermined spaced locations relative to the wrapping sheets, the predetermined spaced locations being selected to provide a desired degree of tension on the leg wrap when wrapped about the leg of an animal.

9. Re – claim 8, '079 discloses the invention substantially as claimed further including the predetermined locations of the securement strips are selected to provide engagement between the

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securement strips of each pair of securement strips at the outer side of an animal leg to which the leg wrap is secured.

10. Re – claim 10, '079 discloses the invention substantially as claimed further including the securement strips are narrow and elongated.

Allowable Subject Matter

11. Claims 3, 4 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor fairly teaches the recited limitations of the claimed invention including, but not limited to: each of the securement strips having a primary axis and extending between top and bottom edges of a wrapping sheet with the axis substantially perpendicular to the top and bottom edges and substantially parallel to the stitching.

13. This statement is not intended to necessarily state all the reasons for allowance or all the details why the claims are allowed and has not been written to specifically or impliedly state that all the reasons for allowance are set forth (MPEP 1302.14).

Conclusion

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (703) 306 – 0553. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

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If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu, can be reached at (703) 305 – 7421. The fax number is (703) 872 – 9306.

bh

9/4/04


TERI P. LUU
SUPERVISORY PRIMARY EXAMINER